

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
CIVIL NO:**

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JAMES MAYER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LIGHTHOUSE RECOVERY ASSOCIATES, LLC,	)	<b>COMPLAINT</b>
	)	
Defendant.	)	

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**INTRODUCTION**

1. This action arises out of Defendant's violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

3. Defendant conducts business in the State of Minnesota, personal jurisdiction is established.

4. Venue in the United States District Court is proper under 28 U.S.C. § 1391(b)(1).

**PARTIES**

5. Plaintiff is a natural person residing in Cedar, Anoka County, Minnesota.

6. Plaintiff is allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).

7. Defendant is a company with its principal place of business in the State of Colorado.

8. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.

9. At all times relevant to this Complaint, Defendant has acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers in the District of Minnesota.

### **FACTUAL ALLEGATIONS**

10. Defendant is attempting to collect a debt from Plaintiff.

11. Upon information and belief, the alleged debt is related to a credit card for purchases Plaintiff made at a retail store, Menards.

12. The aforementioned debt arises from purchases which were made primarily for personal, family or household purchases.

13. In its collection attempts, Defendant places calls to Plaintiff's cellular telephone at telephone number 763-234-xxxx.

14. When Plaintiff is unable to answer Defendant's telephone calls, Defendant leaves voicemail messages.

15. Defendant's voicemail messages do not provide sufficient information to ascertain why Defendant is calling, who Defendant is and what Defendant is calling about.

16. For example, in July of 2012, Defendant called Plaintiff in its collection attempts and left Plaintiff a voicemail message. *See* transcribed voicemail message from July of 2012, attached hereto as Exhibit A.

17. Defendant's representative, an individual identifying himself as Steve Dryer, instructed Plaintiff to call him back at telephone number 888-628-9603 and informed Plaintiff

that it was “very important” for Plaintiff to return the call. *See* Exhibit A.

18. However, Defendant’s representative did not inform Plaintiff the company that he was calling from. *See* Exhibit A.

19. Defendant’s representative did not inform Plaintiff that he was a debt collector.

20. Defendant’s representative also did not inform Plaintiff that his call was related to a debt.

**COUNT ONE:**  
**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**  
**15 U.S.C. § 1692 et seq.**

21. Defendant’s violations of the FDCPA include, but are not limited to, the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which was to harass, oppress and/or abuse Plaintiff;
- b. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without providing meaningful disclosure of the caller’s identity;
- c. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt;
- d. Defendant violated §1692e(11) of the FDCPA by failing to disclose in its messages that it was a debt collector.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff pray that judgment be entered against Defendant for the following:

- a. Statutory damages pursuant to 15 U.S.C. § 1692k;
- b. Reasonable attorneys’ fees, costs pursuant to 15 U.S.C. § 1692k; and
- c. Awarding such other and further relief as may be just, proper and equitable.

Dated: August 28, 2012

**KROHN & MOSS, LTD**

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